

DUMONT JOINT LAND USE BOARD MINUTES FOR NOVEMBER 29, 2011 MEETING

Flag Salute

SESSION: This is a meeting of the Joint Land Use Board, of the Borough of Dumont, held in the Council Chambers.

**November 29, 2011
7:30 PM**

SUNSHINE LAW: This meeting is a regularly scheduled meeting of the Joint Land Use Board, of The Borough of Dumont, held in the Council Chambers on November 29, 2011. The date, time, and location were established by the resolution of the Board. A copy of the resolution was forwarded to *The Record* and the *Ridgewood News*, the official newspapers of the Borough of Dumont, filed with the Borough Clerk and posted in the Borough Hall of the Borough of Dumont. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

ROLL CALL:

Thomas Trank	P	Marian Reitano	A	Kenneth Freeman	A
Elizabeth Marchese	A	Ken Melamed	A	Robert Huth	P
Eric Abrahamsen	A	William Goodman	P	Irwin Buchheister Alt # 1	P
Elmer Pacia Alt # 3	P	Chairman Timothy Hickey	P		

Others: Board Attorney – Kaufman, Bern, Deutsch & Leibman: Justin Santigata-P
Board Engineer – Birdsall Engineering: James Giurintano-P
Board Planner – Neglia Engineering: Dan Kaufman-P
Board Clerk - Rosalia Bob-P

BUSINESS: Review and Approval of Business Professional Invoices

Chairman Timothy Hickey states that he will sign off on these items at the end of the meeting.

BUSINESS: Review and Approval of 2012 Joint Land Use Board Meeting Dates

Chairman Timothy Hickey tables this item till the following month's meeting December 27, 2011.

BUSINESS: Approval of June 2011, July 2011, September 2011 and October 2011 Minutes

Chairman Timothy Hickey tables this item till the following month's meeting December 27, 2011

BUSINESS: Discussion on Lawsuit - 15 Wakelee Drive Corporation vs.
Joint Land Use Board of the Borough of Dumont

Chairman Timothy Hickey states that this matter will be discussed at the end of the meeting.

RESOLUTION: Authorizing the Issuance of RFQs for Professional Services for 2012

Chairman Timothy Hickey tables this item till the following month's meeting December 27, 2011

RESOLUTION: 11-01 Gary & Denise Winkel 91 Randolph Avenue

Chairman Timothy Hickey tables this item till the following month's meeting December 27, 2011

RESOLUTION: 11-03 Dusan Lubelec 98 East Linden Avenue

Chairman Timothy Hickey tables this item till the following month's meeting December 27, 2011

FORMAL: 11-04 Dumont Terrace Apartments Inc Sunnyside, Shadyside, Dulles, etc
Block- 1221, Lot- 14
Parking Project

The attorney for the application, Frank Carlet begins by stating that members of the municipality are present to explain why the parking application is before the board.

The Borough Administrator, John Perkins explains that he has been with the municipality for five years and this application has been in discussion with representatives of the town. He states that for the past four and a half years that there have been major issues with parking in that complex. The apartment tenants have issues with parking, private homes park in that area and people from out of town also park there too. In the municipality during the fall and winter there is a blanket ordinance of no parking but in that area they can't change this because of the tenants having to utilize the on street parking and if it were to be changed then the tenants would be subject to tickets and tows. The snow and leaf removal have become a major issue in that area due to these problems. Mr. Perkins states that the municipality wants to bring that area up to streamline parking for the complex. He explains that the complex owners have been in meetings with the administrator, police, DPW, building department, etc. Chairman Timothy Hickey asks about the parking ordinance. Mr. Perkins states that the group that met feels the ordinance should be changed and it will be brought to the Mayor and Council after this application. Irwin Buchheister asks if this will solve the problem and will the ordinance

change. Mr. Perkins states that it should cover all the vehicles in the complex and if application is approved then the ordinance would and should pass.

Frank Carlet presents his witness who is the engineer for the project, Hal Simoff. Mr. Simoff details that the parking layout did not change, the drainage calculations were redone providing additional detention and additional survey work and topography had been done. Chairman Timothy Hickey asks about the variances and bulk requirements of the building. Mr. Simoff states that these were not done because the buildings are not changing and the variances and waivers are just for the new parking. He details the existing and changing green area percentages and states that the application will need a parking variance. He explains that there will be approximately 386 spaces which are close to conformance. He states that the buildings were included in the green area calculations, the complex will be improved, handicap spaces will be ADHD compliance, only tenants with stickers will be allowed to park there and the garages on site will be for vehicle storage only. Irwin Buchheister asks if the tenants have been noticed. Mr. Simoff states the he believes a few tenants were. Chairman Timothy Hickey states that only the surrounding property owners have to be noticed and explains that the tenants need not know because the applicant is here and is the owner of the complex. Mr. Simoff states that the tenants will be notified if approved so that they are aware of the construction. The board engineer, James Giurintano states that when he counted the parking he came up with a lower number and requests if they can submit a breakdown of the spots per lot and a waiver is needed for RSI on the common spots. Mr. Simoff states they will provide the parking space breakdown but that RSI is exempt because the complex is an existing complex. He states that the project is only to create further parking and they are limited to the land area to utilize. He explains that they came up with this layout in conjunction with the administrator, DPW, police and zoning officer. Mr. Simoff states that they need a drainage waiver; this waiver is from the state standards. He explains that they picked the best cost of action for the existing complex and to best improve the drainage. He states that he would like to go over the engineer's letter line by line to indicate how they will comply.

- 1) They will do
- 2) Need a waiver for setbacks of buildings because the buildings are not changing.
- 3) 18ft parking stalls with 4ft sidewalks
- 4) They agree too
- 5) Calculated to 90ft on his review and will discuss with board engineer. The existing 13 spaces face south and they changed 10 spaces facing south area to meet standards.
- 7) Existing spaces leaving those as is
- 8) The changing in striping we agree too
- 9) They are 2 parking isles less than ordinance. 20ft wide drive isle and 24ft maneuvering space
- 11) Fire department saw plans and there were no issues. 15ft isles
- 12) They agree too
- 13) 386 spaces and they will submit plan and have them numbered

- 14) They agree too
- 15) They will provide additional grading and topography
- 16) The 2% max slope may require some modifications
- 17) 15ft isles and 12 spaces graded towards site, no drainage in Bergenfield, curb is there to slope towards site, and water will flow to us and collect on site
- 18) They will move pipe away from curb
- 19) Water flows to the west and into Municipal system
- 20 & 21) They agree to
- 22) Test pits on plan went down 8ft found no water, no seasonal high water table, soil sample was consistent, will submit soil was constant with no rock
- 23) Request not to do curb, this will add additional drainage since striping allows water flow and curb does not, there will be wheel stops to some spots
- 24) Underground utilities and mains were found but did not find laterals, waiver for this during course of construction
- 25) Shoebox light fixtures and keeping what is proposed for budget sake. They will be mounted at 15ft and shielded from windows, existing lots will not be touched and only new lots will have this lighting
- 26) No hedge shielding for protection of mugging
- 27) They will use heavier paving
- 28) They agree too
- 29) The permeability rating is 2-6 inches/hr so they used average of 4, discussion between engineers on this matter and request to work this out between engineers
- F) Drainage chambers have zero flow until they get 25 yr storm. Requesting waiver for 100 yr storm, no objection from engineer for this waiver
- I) Catch basin not DEP methodology but is a cost effective methodology

Mr. Simoff indicated that these were all the major items from the board engineers review letter. There was a brief discussion on trees and Steve Cavadias states that anything on their property they can take down and the Shade Tree can go there to assess which trees are town trees.

Chairman Timothy Hickey opens the hearing to the public. Two residents: Marion Fuentez 8 Marion Ave & Kai-Tai Chen 90 Teak Rd. Ask several questions such as: will drainage turn to ice; will some existing sidewalks be eliminated; will greenery be added; will cars back onto residents property; how many 100 yr floods have we had in past 15 yrs; why request waiver from 100 yr flood. Mr. Simoff gave answers such as: drainage will be graded to enter inlets so no increase drainage to streets; sidewalks will be touched since parking will be moving 18 feet onto property; no greenery will be added and existing will not be altered; cars will have ample backing out room because reduction of parallel on street parking will widen the street width; there were several hurricanes but cant not exactly say how many were 100 yr storm; existing flow in 100 yrs storm was negligible and typically design for 25 yr storm and any back up will only be on site and flow out. Chairman Timothy Hickey closes hearing to public.

Chairman Timothy Hickey opens the hearing to any comments from the public. Marion Fuentez 8 Marion Ave states that upset about proposed parking stalls across from her house. She explains that the tenants are being taken into consideration but not the property owners. She is upset they will be losing overnight parking and on street parking. She is concerned of children's safety of cars backing out. Chairman Timothy Hickey explains that this application will alleviate parking problems, police problems, fire problems, and the view will still be of parking just in a different direction. Jim Kelly 107 E Linden states that was the property value of the residents in that area taken into consideration. Chairman Timothy Hickey states that he is a licensed real estate appraiser and the property already exists across from the apartment complex and it is not appraised on how the parking of the complex is situated. The board attorney, Justin Santigata states that the board can consider residents but the opinions of real estate value doesn't apply to the applications testimony. Chairman Timothy Hickey closes the hearing to the public.

Chairman Timothy Hickey calls for a motion from the board.

Motion to Accept with all conditions stated: Thomas Trank
2nd by: Robert Huth

ROLL CALL:

Thomas Trank	Y	Marian Reitano	NA	Kenneth Freeman	NA
Elizabeth Marchese	NA	Ken Melamed	NA	Robert Huth	Y
Eric Abrahamsen	NA	William Goodman	Y	Irwin Buchheister Alt # 1	Y
Elmer Pacia Alt # 3	N	Chairman Timothy Hickey	Y		

Motion Approved: 5 – 1

- The board attorney, Justin Santigata states that there is one more item of business that the board needs to discuss and requests that the board enter into closed session. He indicates those minutes still need to be recorded but must be maintain separately from original and indicated as closed.

Motion to go into Closed Session: Robert Huth
2nd by: Thomas Trank

Motion to Adjourn: Robert Huth
2nd by: Thomas Trank

Minutes respectfully submitted by:
Rosalia Bob
Joint Land Use Board Clerk